

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:	)	
	)	Chapter 11
	)	
TRIDENT HOLDING COMPANY, LLC, <i>et al.</i> <sup>1</sup>	)	Case No. 19-10384 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	
	)	

**MEDIATION REPORT**

Hon. James M. Peck (Ret.), in his capacity as mediator (the “Mediator”) appointed under that certain *Order Assigning Matter To Mediation Nunc Pro Tunc To June 27, 2019 And Establishing Briefing Schedule On Motion To Dismiss* [Docket No. 652] (the “Mediation Order”)<sup>2</sup> entered July 8, 2019, submits this report in accordance with paragraph 9 of the Mediation Order. The Mediation Order requires that, at the conclusion of the Mediation, the Mediator shall file with the Court a memorandum stating (1) that the Mediator has conducted the Mediation, (2) the names of counsel and principals who participated in the Mediation, (3) the identification of any party that has not acted in good faith during or in connection with the Mediation, and (4) whether and to what extent the Mediation was successful.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of their respective tax identification numbers, are as follows: Trident Holding Company, LLC (6396); American Diagnostics Services, Inc. (2771); Community Mobile Diagnostics, LLC (9341); Community Mobile Ultrasound, LLC (3818); Diagnostic Labs Holdings, LLC (8024); FC Pioneer Holding Company, LLC (6683); JLMD Manager, LLC (8470); Kan-Di-Ki LLC (6100); Main Street Clinical Laboratory, Inc. (0907); MDX-MDL Holdings, LLC (2605); MetroStat Clinical Laboratory – Austin, Inc. (4366); MX Holdings, LLC (8869); MX USA, LLC (4885); New Trident Holdcorp, Inc. (4913); Rely Radiology Holdings, LLC (3284); Schryver Medical Sales and Marketing, LLC (9620); Symphony Diagnostic Services No. 1, LLC (8980); Trident Clinical Services Holdings, Inc. (6262); Trident Clinical Services Holdings, LLC (1255); TridentUSA Foot Care Services LLC (3787); TridentUSA Mobile Clinical Services, LLC (0334); TridentUSA Mobile Infusion Services, LLC (5173); U.S. Lab & Radiology, Inc. (4988). The address of the Debtors’ corporate headquarters is 930 Ridgebrook Road, 3rd Floor, Sparks, MD 21152.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Mediation Order.

1. The Mediator engaged in informal discussions with the Mediation Parties commencing June 27, 2019, and conducted formal mediation sessions in person and by telephone conference during the period from July 16, 2019 through July 30, 2019. An agreement regarding economic terms of a proposed settlement of the qui tam litigation against Trident was reached on July 30, 2019 with the understanding that further time was needed to obtain greater clarity as to certain material non-economic issues. Conversations involving the Debtors, Silver Point and the United States of America have continued through the week of August 26, 2019 with the aim of resolving these issues. The Mediator has been informed regarding the progress of these conversations, but he has not participated in them directly.

2. A list of the names of counsel and principals who participated in one or more formal mediation sessions is attached hereto as Exhibit A.

3. All Mediation Parties participated in good faith.

4. The Mediator is pleased to report that the Mediation has concluded successfully and that all disputes submitted to Mediation in relation to the qui tam litigation have been settled subject to definitive documentation and satisfaction of certain conditions. The Mediator expects that a Bankruptcy Rule 9019 motion will be filed by the Debtors in due course seeking approval of this settlement.

Respectfully submitted,

Dated: August 28, 2019

/s/ James M. Peck  
James M. Peck  
MORRISON & FOERSTER LLP  
250 West 55th Street  
New York, New York 10019  
Telephone: (212) 468-8000  
Facsimile: (212) 468-7900  
JPeck@mofo.com

*Mediator*

**Exhibit A**

The Mediation Parties are listed in bold below, followed by the names of counsel and principals who participated. Financial advisors also played a significant role in the Mediation but their names have not been included.

**1. The Debtors**

James J. Mazza, Jr.  
Justin Winerman  
Jason Kestecher  
*Counsel, Skadden, Arps, Slate, Meagher & Flom LLP*

William H. Jordan  
Jason Popp  
*Counsel, Alston & Bird LLP*

Andrei Soran  
*Principal, Chief Executive Officer*

Thomas McCaffery  
*Principal, General Counsel*

**2. United States of America**

Joel M. Sweet  
Veronica J. Finkelstein  
*Counsel, The United States Attorney's Office, Eastern District of Pennsylvania*

Lawrence Fogelman  
Jessica J. Hu  
*Counsel, The United States Attorney's Office, Southern District of New York*

Michael Podberesky  
*Counsel, The United States Department of Justice*

**3. Mr. Peter Goldman**

U. Seth Ottensoser  
*Counsel, Keller Lenkner LLC*

James D. Young  
*Counsel, Moran & Morgan P.A.*

**4. Mr. Ravi Srivastava**

Sherrie R. Savett  
Russell D. Paul  
*Counsel, Berger Montague P.C.*

Michael S. Etkin  
Nicole Fulfree  
*Counsel, Lowenstein Sandler*

**5. SPCP Group, LLC**

Robert A. Britton  
Aidan Synnott  
Christopher Hopkins  
Grace C. Hotz  
*Counsel, Paul, Weiss, Rifkind, Wharton & Garrison LLP*

Lynn Shapiro Snyder  
Melissa Jampol  
Kevin Ryan  
*Counsel, Epstein Beck Green, P.C.*

Timothy Lavelle  
*Principal, Chief Financial Officer*

Alexander Stolarz  
*Principal, Analyst*

**6. Official Committee of Unsecured Creditors**

David M. Posner  
Gianfranco Finizio  
Kelly Moynihan  
*Counsel, Kilpatrick Townsend & Stockton LLP*